

United States District Court
Eastern District of Michigan

United States of America

v.

Elmo Turner /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 06-30079

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact**T** (1) I find that:

“ there is probable cause to believe that the defendant has committed an offense

T for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;

“ under 18 U.S.C. § 924(c).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

“ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

T (a) nature of the offense - Schedule I drug distribution offense..**T** (b) weight of the evidence - Strong evidence - seizure of 50g of heroin from person of defendant.**T** (c) history and characteristics of the defendant - Prior conviction for drugs - recent release from prison.

“ 1) physical and mental condition -

T 2) employment, financial, family ties - Defendant does have employment and family ties.**T** 3) criminal history and record of appearance - Prior drug felony - 168 months imprisonment. 5 years supervised release.**T** (d) probation, parole or bond at time of the alleged offense - Still under supervised release for prior drug felony and had a prior violation of conditions of supervised release since release in September, 2005.**T** (e) danger to another person or community. - This defendant appears to be unwilling/incapable of avoiding involvement with illegal narcotic drugs. Released from prison in September, 2005 after 14 year sentence. Violated supervised release conditions in January, 2006.

Pretrial Services recommends detention and I fully agree. Mr. Turner's continued drug activity is a danger to the community.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

February 13, 2006

Date

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge